

REMARKS/ARGUMENTS

Claims 58, 60-65, 67-69, 71, 75-79, 82, 97-105, and 125 were pending in the application. Claims 58, 60-65, 67, 82, 97-105, and 125 have been cancelled. Claims 68, 69, and 71 have been amended. Claim 68 has been amended to incorporate the limitations of claim 58 from which it previously depended. Claim 69 has been amended as suggested by the Examiner to include the limitations previously added to claim 58. Claim 71 has been amended to depend from claim 68 rather than from canceled claim 58. Support for the amendments can be found in the original claims as well as in the specification, particularly on pages 2, 4, and 13. No new matter has been added by way of amendment. Reexamination and reconsideration of the claims are respectfully requested.

Applicants acknowledge with appreciation the withdrawal of the rejections of claims under 35 U.S.C. § 112, first and second paragraphs, as listed in the Office Action on pages 3 and 4.

The Objection to Claim 68 Should Be Withdrawn

The Office Action (2/10/04, page 6, #16) has objected to claim 68 for depending from a rejected claim. Claim 68 has been amended to remove this dependency; accordingly, this objection has been obviated by amendment.

**The Rejection of Claims Under 35 U.S.C. § 112, First Paragraph,
Should Be Withdrawn**

Applicants appreciate the Examiner's efforts to clarify the previous enablement rejection by dividing it into several rejections, and those rejections will be addressed here in the same order in which they were raised in the Office Action.

The Office Action (2/10/04, page 4, #14) has maintained the rejection of claims 67, 82, and 125 under 35 U.S.C. § 112, first paragraph, for lack of enablement due to the requirement of alteration of at least 8.25% of the amino acid content of the protein. Applicants note that claims 67, 82, and 125 have been canceled. Accordingly, this rejection has been obviated by amendment and should be withdrawn.

The Office Action (2/10/04, page 5, #15) has maintained the rejection of claims 69, 75-79, 82, 97-105, and 125 under 35 U.S.C. §112, first paragraph, for lack of enablement “due to the requirement of using a set of antibodies to assess mutated vegetative storage protein as native conformation or not....” (emphasis in original)

Independent claim 69 (and therefore also claims 75-79, which are dependent on or incorporate the limitations of claim 69) has been amended as suggested by the Examiner. Specifically, claim 69 has been amended to incorporate the language of claim 58, *i.e.*, that the conformation of the engineered protein is assessed based on its ability to bind with a set of antibodies capable of binding with the native protein, wherein said antibodies recognize the native conformation of said protein. Applicants respectfully submit that this rejection has therefore been obviated by amendment and should be withdrawn.

The Office Action (2/10/04, page 6, #17) has rejected claims 67, 82, and 125 as failing to comply with the written description requirement because the claims contained the limitation of “at least 8.25%....” Claims 67, 82 and 125 have been cancelled; accordingly, this rejection has been obviated by amendment and should be withdrawn.

The Rejection of Claims Under 35 U.S.C. §102(b) Should Be Withdrawn

The Office Action (2/10/04, page 7, #18) has rejected claims 58, 61, 62, and 67 under 35 U.S.C. §102(b) as anticipated by Falco *et al.* (U.S. Pat. No. 5,559,223).

Claims 58, 61, 62, and 67 have been cancelled. Accordingly, this rejection has been obviated by amendment and should be withdrawn.

The Rejection of Claims Under 35 U.S.C. §103 Should Be Withdrawn

The Office Action (2/10/04, page 8, #19) has rejected claims 58, 60-62, 67, 71, 97-102 and 125 under 35 U.S.C. §103(a) as unpatentable over Dyer *et al.* in view of Goldberg.

Claims 58, 60-62, 67, 97-102, and 125 have been cancelled. Claim 71 has been amended to depend from claim 68, which was not included in this rejection. Accordingly, this rejection has been obviated by amendment and should be withdrawn.

The Office Action (2/10/04, page 9, #20) has rejected claims 63-65 and 103-105 under 35 U.S.C. §103(a) as unpatentable over Dyer *et al.* in view of Goldberg and in view of Arnold *et al.*

Claims 63-65 and 103-105 have been cancelled. Accordingly, this rejection has been obviated by amendment and should be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicants submit that the rejections of the claims under 35 U.S.C. §§112, first paragraph, 35 U.S.C. §102(b), and 35 U.S.C. §103(a) as well as the objection to claim 68 are overcome. Applicants respectfully submit that this application is now in condition for allowance. Early notice to this effect is solicited.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject Application, the Examiner is invited to call the undersigned.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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Filed: January 6, 2000

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Leigh W. Thorne

Registration No. 47,992

Customer No. 29122

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

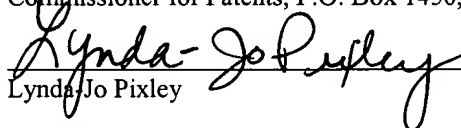
Tel Raleigh Office (919) 862-2200

Fax Raleigh Office (919) 862-2260

"Express Mail" mailing label number EV 390050757 US

Date of Deposit March 25, 2004

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Lynda Jo Pixley

RTA2151579v1